

Article - Environment

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§4-410.

(a) Except in case of emergency imperiling life or property, unavoidable accident, collision, or stranding, or as authorized by a permit issued under § 9-323 of this article, it is unlawful for any person to discharge or permit the discharge of oil in any manner into or on waters of this State.

(b) Notwithstanding any provision of this subtitle, any person discharging or permitting the discharge of oil, or who either actively or passively participates in the discharge or spilling of oil either from a land-based installation, including aboveground or underground storage tanks and vehicles in transit, or from any vessel, barge, ship, or boat of any kind, shall report the incident immediately to the Department. The person shall remain available until clearance to leave is given by the appropriate officials designated by the Department.

(c) To administer this section the Department of the Environment may use the organization, equipment, and units, including engineering, clerical, and other personnel, employed in the improvement and preservation of waters and natural resources of the State to enforce the laws for the preservation and protection of the waters and natural resources of the State. Any person authorized by law to make arrests may apply for a warrant, arrest, and take into custody, with or without process, any person who violates any provision of this section. However, a person may not be arrested without process for a violation not committed in the presence of one of the aforesaid officials. If any person is arrested under the provisions of this section, the person arrested immediately shall be brought before a judge or court of the State for examination of the offense alleged against him.

(d) Whenever any person, vessel, barge, ship, or boat is accused of violating any provision of this section, the arresting officer shall notify the Department of the Environment in writing to permit the Department to take any advisable action. The provisions of this subsection are directory only.

(e) This section shall be in addition to the laws existing prior to June 1, 1949, for the preservation and protection of waters of the Chesapeake Bay and its tributaries. It does not repeal, modify, or in any manner affect the provisions of those laws.

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